

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2021-89-E

In the Matter of:

Duke Energy Carolinas, LLC's 2021
Avoided Cost Proceeding Pursuant to
S.C. Code Ann. Section 58-41-20(A)

)
) **FIRST SET OF INTERROGATORIES**
) **OF PELZER HYDRO COMPANY, LLC,**
) **AQUENERGY SYSTEMS, LLC, AND**
) **NORTHBROOK CAROLINA HYDRO,**
) **LLC TO**
) **DUKE ENERGY CAROLINAS, LLC**
)
)

**TO: FRANK ELLERBE AND BRETT BREITSCHWERDT, ATTORNEYS FOR
DUKE ENERGY CAROLINAS, LLC**

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure and S.C. Code of Ann. Regs. §§ 103-833 and 103-835, Intervenors Pelzer Hydro Company, LLC ("Pelzer"), Aquenergy Systems, LLC ("Aquenergy") and Northbrook Carolina Hydro, LLC ("Northbrook") (collectively, the "Hydropower Intervenors") request that Duke Energy Carolinas, LLC ("DEC") answer the following Interrogatories **no later than twenty (20) days from the date of service hereof**. The Interrogatories are continuing in nature and must be supplemented if you obtain additional responsive information.

DEFINITIONS AND INSTRUCTIONS

1. "You," "your," "Duke," and "DEC," and any variants thereof, refers to and shall mean Duke Energy Carolinas, LLC, its predecessors or successors in interest, and any of its directors, officers, partners, agents, employees, other representatives, or any person or entity acting, or purporting to act, on its behalf.

2. “Person” means any natural person, sole proprietorship, corporation, company, association, joint venture, firm, partnership or other legal or business entity in whatever form.

3. “Representative” means any person acting or purporting to act on behalf of any other person.

4. “Proceeding” shall mean the above-captioned matter.

5. The words “document” or “documents” include any written, electronic, printed, records or graphic matter, photographic matter or sound reproductions, however produced or reproduced, referring or relating to the subjects mentioned, now or formerly in the possession, control or custody of any of the Plaintiffs, including documents at any time in the possession, control, custody of Plaintiffs’ agents or other persons.

6. The words “communication” or “communications” include any verbal conversations or any other statement from one person to another, including but not limited to, any interview, conference, conversation, discussion, meeting, writing (electronic or otherwise) or telephone conversation.

7. The words “identify,” “identity,” or “identification,” of an individual person means to state his or her full name and present location, his or her present or last known address, employment, and position. “Identify” or “identification” of a document means to state the type document (e.g., letter, memorandum, telegram, chart, etc.), or some other means of identifying and its present location or custodian. If any identified document was but is no longer in your possession or under your control, state its disposition.

8. As used herein, the term “referring” or “relating” means reflecting, containing, pertaining, indicating, showing, concerning, constituting, evidencing, describing, discussing or mentioning.

9. The singular form of a word shall refer to the plural, and words used in the masculine gender shall also include the feminine, and vice-versa.

10. If any privileges are claimed with respect to any document, identify the document and for each such document please state:

- (a) The nature of the document (*e.g.*, letter, memorandum, report, tape recording, etc.);
- (b) The date the document bears, or if undated, the date it was written or created;
- (c) The document's author;
- (d) The identity of each of the document's recipients;
- (e) The general subject matter of the document;
- (f) The document's present or last known location or custodian; and
- (g) The privilege claimed and the basis therefor.

12. If any privileges are claimed with respect to any oral communication, identify the communication and for each such communication, please state:

- (a) The date of the communication;
- (b) The participants in the communication;
- (c) All persons present during the communication;
- (d) The nature of the communication (*e.g.*, face-to-face, by telephone);
- (e) The general subject matter of the communication; and
- (f) The privilege claimed and the basis therefor.

13. If the answer to any interrogatory is that you lack knowledge of the requested information, describe all efforts made by you to obtain the information.

INTERROGATORIES

1. Give the names and addresses of persons known to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

2. List the names and addresses of any expert witnesses whom you intend to use as a witness at the trial of the case.

3. For each person known to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements or testimony taken from such witnesses.

4. Identify all case studies, models, methodologies, reports, analysis and data in any way used by DEC in connection with producing its proposed avoided cost rate in this Proceeding.

5. From 2016 to the present, describe with particularity any DEC position, policy, or rates of any kind relating to compensation for privately owned hydropower facilities in South Carolina, including facilities like those of the Hydropower Intervenors described in their Motion to Intervene. To be considered a complete response, your response should not only include a description of any responsive DEC policy, position, or rate, but also further explain if there were any changes and why such changes were made.

6. Identify each person that you intend to call as a hearing witness in this Proceeding and, for each, separately state the facts and observations to which you expect the witness to testify and the identify of each document about which you expect the witness to testify.

7. Identify each document or item that you intend to use as an exhibit at any trial or hearing in the Proceeding, including any photographs, plats, sketches, or other prepared documents.

8. From 2016 to the present, please describe with particularity and state the basis of any and all payments made to the Hydropower Intervenors, including payments related to the facilities identified in their Motion to Intervene. By way of example, responsive payments would include those for energy, capacity, ancillary services, or renewable energy credits (“REC(s)”).

9. From 2016 to the present, for each of the South Carolina hydropower facilities DEC owns or controls, please describe and state with particularity the amounts DEC charges its ratepayers for operating or selling power generated by DEC’s hydropower facilities.

10. Please describe with specificity how DEC accounted for differences in geographic location and resource type as related to hydropower when developing the avoided cost rates proposed by DEC in this Proceeding. See S.C. Code Ann. § 58-41-20(B)(3).

11. If applicable, please state the number of RECs produced by Hydropower Intervenors’ South Carolina facilities which DEC uses to meet renewable energy requirements or targets of any kind in jurisdictions other than South Carolina.

Note that these Interrogatories shall be deemed continuing so as to require supplemental responses prior to trial.

<signature page follows>

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